IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:	)	
	)	
ROBERT DE LEYS ET AL.	)	Group Art Unit: 1645
	)	
Serial No.: 09/379,270	)	Examiner: R. Zeman
	)	
Filed: August 23, 1999	)	Attorney Docket: INNS025--2/KAM
	)	
For: HIV-3 RETROVIRUS AND ITS USE	)	

STATEMENT OF AVAILABILITY

I, Philippe ARCHINARD (name), Chief Executive Officer (title) of Innogenetics N.V., located at Industriepark Zwijnaarde 7, Ghent, Belgium declare:

1. That Innogenetics N. V. is the assignee of the entire right title and interest in the invention described and claimed in the above-referenced application as evidenced by an Assignment thereof recorded on March 23, 1990 at Reel 5459, Frame 054 and filed in the United States Patent and Trademark Office; I have reviewed the evidentiary documents, specifically the Assignment, and certify that to the bast of my knowledge and belief, title remains in the name of Innogenetics N.V.

2. That deposit of HIV-3 virus was deposited on June 3, 1988 with the European Collection of Animal Cell Cultures (ECACC), Porton Down, Salisbury, Wiltshire, United Kingdom. This depository is one affording permanence of the deposit and ready accessibility thereto by the public in the event a patent is granted. Furthermore this depository is recognized as an international depository under the Budapest Treaty.

3. That the deposited material has been accorded accession No. V 88060301.

4. That all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon the granted of a United States patent.

5. That access to the deposited virus V 88060301 will be available during the pendency of the above-referenced application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

6. That the deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

I DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE INSTANT PATENT APPLICATION OR ANY PATENT ISSUING THEREON.

Date: 31 August 00

Name: Dr. Philippe ARCHINARD
Title: Chief Executive Officer
INNOGENETICS N.V.